

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 8/22/22

UNITED STATES OF AMERICA,

-against-

JOSHUA MIRABAL,

Defendant.

ORDER

16 Cr. 272 (VM)

JOSHUA MIRABAL,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Defendant.

22 Civ. 3377 (VM)

VICTOR MARRERO, United States District Judge.

On August 28, 2022, the defendant-petitioner Joshua Mirabal ("Mirabal") filed a motion for compassionate release pursuant to 18 U.S.C. § 3582. (See Cr. Dkt. No. 651; Civ. Dkt. No. 10.) The Court directed the Clerk of Court to file the Brief on the dockets: 16 Cr. 272 and 22 Civ. 3377. (See Cr. Dkt. No. 651; Civ. Dkt. No. 10.) However, the Court directed that access to the motion be restricted to the Government, the defense, and the Court, because Mirabal attached portions of his and his mother's medical records.

Separately, on May 19, 2022, the Court granted Mirabal an extension to file a brief in further support of his motion pursuant to 28 U.S.C. § 2255 ("Section 2255"). (See Cr. Dkt. No. 634; Civ.

Dkt. No. 6.) The Court further directed the Government to respond within 60 days of Mirabal filing the brief in support of his Section 2255 motion. (See Cr. Dkt. No. 634; Civ. Dkt. No. 6.) On June 16, 2022, the Court received and docketed Mirabal's brief, but had the submission restricted to the Government, the defense, and the Court because Mirabal attached portions of his Presentence Investigation Report, which is under seal. (See Cr. Dkt. No. 640; Civ. Dkt. No. 7.) In turn, the deadline for the Government to respond to Mirabal's Section 2255 motion was August 15, 2022. However, the Government has not yet filed its response.

Accordingly, it is hereby

ORDERED that within 30 days of this order, the Government shall respond to the motion for compassionate release, pursuant to 18 U.S.C. § 3582, submitted by defendant-petitioner Joshua Mirabal ("Mirabal"); and it is further

ORDERED that the Government shall notify the Court regarding the status of its response to Mirabal's motion pursuant to 28 U.S.C. § 2255.

SO ORDERED.

Dated: August 22, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Victor Marrero', is written over a horizontal line.

Victor Marrero
U.S.D.J.